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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES M. BALL,

Defendant and Appellant.

A123871

**(Sonoma County
Super. Ct. No. SCR508454)**

James M. Ball appeals from a judgment entered after he admitted violating his probation. His counsel on appeal has filed an opening brief that asks this court to conduct an independent review of the record as is required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel also informed appellant that he had the right to file a supplemental brief on his own behalf. Appellant declined to file such a brief.

In December 2005, appellant pleaded no contest to a charge of assault with a deadly weapon. (Pen. Code, § 245, subd. (a)(1).) The trial court suspended the imposition of sentence and placed appellant on probation.

In the years that followed, appellant violated his probation three times, but was reinstated each time. In September 2008, appellant admitted he violated his probation yet again, this time by slapping his girlfriend and pouring beer over her head.

A sentencing hearing was conducted on December 11, 2008. The trial court declined to reinstate probation and sentenced appellant to the middle term of three years on his original offense.

We have reviewed the record on appeal and conclude there are no meritorious issues to be argued. Before accepting appellant's admission to his most recent violation, the court made sure appellant understood the Constitutional rights he was waiving. There was no error in the sentence. Appellant was effectively represented by counsel.

We conclude there are no arguable issues within the meaning of *People v. Wende*, *supra*, 25 Cal.3d 436. (See also *People v. Kelly* (2006) 40 Cal.4th 106.)

The judgment is affirmed.

Jones, P.J.

We concur:

Simons, J.

Needham, J.